

STATE OF OKLAHOMA

1st Extraordinary Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 4X

By: Allen

COMMITTEE SUBSTITUTE

An Act relating to vehicle weight and load; amending 47 O.S. 2011, Sections 14-101, as last amended by Section 1, Chapter 121, O.S.L. 2016 and 14-109, as last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp. 2017, Sections 14-101 and 14-109), which relate to certain penalties and axle and gross weights of certain vehicles; clarifying certain penalty; clarifying certain weights formula for permits for certain vehicles; providing penalties for operating certain vehicles or combination of vehicles in excess of certain weight limitations; amending 47 O.S. 2011, Section 1167, as last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp. 2017, Section 1167), which relate to apportionment of revenue; clarifying uses for certain funds; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp. 2017, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor, punishable pursuant to Section 14-109 of this title, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any

1 highway any vehicle or vehicles of a size or weight exceeding the
2 limitations stated in this chapter or otherwise in violation of this
3 chapter, and the maximum size and weight of vehicles herein
4 specified shall be lawful throughout this state and local
5 authorities shall have no power or authority to alter the
6 limitations except as express authority may be granted in this
7 chapter.

8 B. The Commissioner of Public Safety is directed to issue
9 annual overweight permits to:

10 1. Municipalities and rural fire districts for the
11 transportation of firefighting apparatus at no cost to the
12 municipalities or rural fire districts;

13 2. Owners of implements of husbandry, which includes tractors
14 that are temporarily moved upon a highway at no cost to the owner;

15 3. Retail implement dealers while hauling implements of
16 husbandry at no cost to the dealer; and

17 4. Owners of certain vehicles as provided for in Section 14-
18 103G of this title.

19 C. If a vehicle is issued a license pursuant to Section 1134.4
20 of this title, the license shall also serve as the overweight permit
21 required by this section.

22 D. All size, weight and load provisions covered by this chapter
23 shall be subject to the limitations imposed by Title 23, United
24 States Code, Section 127, and such other rules and regulations

1 developed herein. Provided further that any size and weight
2 provision authorized by the United States Congress for use on the
3 National System of Interstate and Defense Highways, including but
4 not limited to height, axle weight, gross weight, combinations of
5 vehicles or load thereon shall be authorized for immediate use on
6 such segments of the National System of Interstate and Defense
7 Highways and any other highways or portions thereof as designated by
8 the Transportation Commission or their duly authorized
9 representative.

10 E. All size, weight and load provisions covered by Sections 14-
11 101 through 14-123 of this title shall be subject to a gross vehicle
12 weight limit of ninety thousand (90,000) pounds when applied to a
13 vehicle operating off the National System of Interstate and Defense
14 Highways unless such vehicle is operating in full compliance with an
15 overweight permit issued by the Commissioner of Public Safety.

16 F. Any vehicle permitted for movement on the highways of this
17 state as provided in Section 14-101 et seq. of this title, other
18 than a vehicle permitted solely for overweight movement, shall be
19 moved only during daylight hours. As used in Section 14-101 et seq.
20 of this title, "daylight hours" shall mean one-half (1/2) hour
21 before sunrise to one-half (1/2) hour after sunset. The
22 Commissioner of Public Safety, for good cause and consistent with
23 the safe movement of the vehicle, may endorse a permit for the
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1 movement of an oversize vehicle to authorize night time travel under
2 such terms and restrictions as the Commissioner may require.

3 G. 1. Any vehicle permitted for movement on the highways of
4 this state as provided in Section 14-101 et seq. of this title shall
5 not be moved at any time on the following holidays:

- 6 a. New Year's Day (January 1),
- 7 b. Memorial Day (the last Monday in May),
- 8 c. The Fourth of July (Independence Day),
- 9 d. Labor Day (the first Monday in September),
- 10 e. Thanksgiving Day (the fourth Thursday in November),
- 11 and
- 12 f. Christmas Day (December 25).

13 2. Any vehicle permitted for movement on the highways of this
14 state as provided in Section 14-101 et seq. of this title shall be
15 allowed to move on the following holidays:

- 16 a. Martin Luther King, Jr.'s Birthday (the third Monday
- 17 in January),
- 18 b. President's Day, also known as Washington's Birthday
- 19 (the third Monday in February), and
- 20 c. Veteran's Day (November 11).

21 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
22 last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.
23 2017, Section 14-109), is amended to read as follows:

24 Section 14-109. A. On any road or highway:

1 1. No single axle weight shall exceed twenty thousand (20,000)
2 pounds; and

3 2. The total gross weight in pounds imposed thereon by a
4 vehicle or combination of vehicles shall not exceed the value
5 calculated in accordance with the Federal Bridge formula imposed by
6 23 U.S.C., Section 127.

7 B. Except as to gross limits, the formula of this section shall
8 not apply to a truck-tractor and dump semitrailer when used as a
9 combination unit. In no event shall the maximum load in pounds
10 carried by any set of tandem axles exceed thirty-four thousand
11 (34,000) pounds. Any vehicle operating with split tandem axles or
12 tri-axles shall adhere to the formula.

13 C. Except for loads moving under special permits as provided in
14 this title, no department or agency of this state or any county,
15 city, or public entity thereof shall pay for any material that
16 exceeds the legal weight limits moving in interstate or intrastate
17 commerce in excess of the legal load limits of this state.

18 D. 1. An annual special overload permit may be purchased for
19 vehicles transporting rock, sand, gravel, coal, flour, timber,
20 pulpwood, and chips in their natural state, oil field fluids, oil
21 field equipment or equipment used in oil and gas well drilling or
22 exploration, and vehicles transporting grain, fertilizer,
23 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
24 soybeans, feed, any other raw agricultural products, and any other

1 unprocessed agricultural products, if the following conditions are
2 met:

3 a. the vehicles are registered for the maximum allowable
4 rate,

5 b. the vehicles do not exceed five percent (5%) of the
6 gross limits set forth in subsection A of this
7 section,

8 c. the vehicles do not exceed eight percent (8%) of the
9 axle limits set forth in subsection A of this section,

10 d. no component of the vehicles exceeds the
11 manufacturer's component weight rating as shown on the
12 vehicle certification label or tag, and

13 e. the vehicles operating pursuant to the provisions of
14 this paragraph will not be allowed to operate on the
15 National System of Interstate and Defense Highways.

16 2. Vehicles operating pursuant to this section must register
17 for the maximum allowable rate and additionally shall purchase a
18 nontransferrable annual special overload permit from the Department
19 of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00).
20 All monies collected shall be deposited to the credit of the Highway
21 Construction and Maintenance Fund.

22 E. Exceptions to this section will be:
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1 1. Utility or refuse collection vehicles used by counties,
2 cities, or towns or by private companies contracted by counties,
3 cities, or towns if the following conditions are met:

- 4 a. calculation of weight for a utility or refuse
5 collection vehicle shall be "Gross Vehicle Weight".
6 The "Gross Vehicle Weight" of a utility or refuse
7 collection vehicle may not exceed the otherwise
8 applicable weight by more than fifteen percent (15%).
9 The weight on individual axles must not exceed the
10 manufacturer's component rating which includes axle,
11 suspension, wheels, rims, brakes, and tires as shown
12 on the vehicle certification label or tag, and
13 b. utility or refuse collection vehicles operated under
14 these exceptions will not be allowed to operate on
15 interstate highways; and

16 2. A combination of a wrecker or tow vehicle and another
17 vehicle or vehicle combination if:

- 18 a. the service provided by the wrecker or tow vehicle is
19 needed to remove disabled, abandoned, or accident-
20 damaged vehicles, and
21 b. the wrecker or tow vehicle is towing the other vehicle
22 or vehicle combination directly to the nearest
23 authorized place of repair, terminal, or vehicle
24 storage facility.

1 Vehicles operating pursuant to the provisions of this paragraph will
2 not be allowed to operate on the National System of Interstate and
3 Defense Highways.

4 F. 1. Any vehicle utilizing an auxiliary power or idle
5 reduction technology unit in order to promote reduction of fuel use
6 and emissions because of engine idling shall be allowed an
7 additional four hundred (400) pounds total to the total gross weight
8 limits set by this section.

9 2. To be eligible for the exception provided in this
10 subsection, the operator of the vehicle must obtain written proof or
11 certification of the weight of the auxiliary power or idle reduction
12 technology unit and be able to demonstrate or certify that the idle
13 reduction technology is fully functional.

14 3. Written proof or certification of the weight of the
15 auxiliary power or idle reduction technology unit must be available
16 to law enforcement officers if the vehicle is found in violation of
17 applicable weight laws. The additional weight allowed cannot exceed
18 four hundred (400) pounds or the actual proven or certified weight
19 of the unit, whichever is less.

20 G. Utility, refuse collection vehicles or a combination of a
21 wrecker or tow vehicle as described in paragraph 2 of subsection E
22 of this section operating under exceptions shall purchase an annual
23 special overload permit from the Department of Public Safety for One
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1 Hundred Dollars (\$100.00). All monies collected shall be deposited
2 to the credit of the Highway Construction and Maintenance Fund.

3 H. For purposes of this section, "utility vehicle" shall mean
4 any truck used by a private utility company, county, city, or town
5 for the purpose of installing or maintaining electric, water, or
6 sewer systems.

7 I. Any person who operates a vehicle or combination of vehicles
8 which is seven hundred fifty (750) pounds or more in excess of the
9 gross or axle weight limitations imposed by this section shall, upon
10 conviction, be punished by a fine to be calculated from the amount
11 of weight in excess of the top weight limitation authorized as
12 follows:

13 1. A fine of Two Hundred Dollars (\$200.00), if overweight by
14 seven hundred fifty (750) pounds but not more than three thousand
15 (3,000) pounds;

16 2. A fine of Four Hundred Dollars (\$400.00), if overweight by
17 three thousand one (3,001) pounds but not more than six thousand
18 (6,000) pounds;

19 3. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight
20 by six thousand one (6,001) pounds but not more than ten thousand
21 (10,000) pounds; and

22 4. A fine of ten cents (\$0.10) per pound overweight, if
23 overweight by ten thousand one (10,001) pounds or more.
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1 J. Any person having multiple offenses as provided for in
2 subsection I of this section within a calendar year shall be subject
3 to the following fines:

4 1. A second offense within one (1) year of any fine pursuant to
5 paragraphs 1 through 4 of this subsection shall receive a fine of
6 one and one half (1 1/2) times the amount of the violation cited;
7 and

8 2. A third and all subsequent offenses within one (1) year of
9 any fine pursuant to paragraphs 1 through 4 of this subsection shall
10 receive a fine of two (2) times the amount of the violation cited.

11 K. All fines collected pursuant to the provisions of subsection
12 I of this section shall be deposited in the State Treasury to the
13 credit of the Weigh Station Improvement Revolving Fund, as created
14 in Section 1167 of this title for the purpose of enforcing size,
15 weight and load laws of this state.

16 L. The bond schedule and costs as prescribed by subsection I of
17 this section shall be a civil assessment and shall supercede any
18 bond schedule and costs from any state agency, board, commission or
19 political subdivision concerning oversize and overweight vehicles.

20 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1167, as
21 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
22 2017, Section 1167), is amended to read as follows:

23 Section 1167. A. The Corporation Commission is hereby
24 authorized to promulgate rules pursuant to the Administrative

1 Procedures Act to establish the amounts of fees, fines and penalties
2 as set forth in Section 1166 et seq. of this title. The Corporation
3 Commission shall notify all interested parties of any proposed rules
4 to be promulgated as provided herein and shall provide such parties
5 an opportunity to be heard prior to promulgation.

6 B. The Corporation Commission shall adjudicate enforcement
7 actions initiated by Corporation Commission personnel.

8 C. Revenue derived from all fines and penalties collected or
9 received by the Corporation Commission pursuant to the provisions of
10 the Trucking One-Stop Shop Act shall be apportioned as follows:

11 1. For the period beginning August 23, 2013, the first Three
12 Hundred Thousand Dollars (\$300,000.00) collected or received each
13 fiscal year shall be remitted to the Department of Public Safety for
14 the purpose of staffing the port of entry weigh stations to conduct
15 safety inspections. The next Five Hundred Fifty Thousand Dollars
16 (\$550,000.00) shall be remitted to the Oklahoma Tax Commission and
17 apportioned as provided in Section 1104 of this title; and

18 2. The remaining amount shall be deposited to the Trucking One-
19 Stop Shop Fund created in subsection D of this section

20 D. There is hereby created in the State Treasury a revolving
21 fund for the Corporation Commission to be known and designated as
22 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
23 shall consist of:
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1 1. All funds apportioned thereto in subsection C of this
2 section;

3 2. Fees collected by the Commission to be retained as a motor
4 license agent or other Corporation Commission registration or motor
5 fuel fees as allowed by statute or rule; and

6 3. Any other monies to be utilized for the Trucking One-Stop
7 Shop Act.

8 The fund shall be a continuing fund, not subject to fiscal year
9 limitations, and shall not be subject to legislative appropriation.
10 Monies in the Trucking One-Stop Shop Fund shall only be expended for
11 direct expenses relating to the Trucking One-Stop Shop Act.

12 Expenditures from the revolving fund shall be made pursuant to the
13 laws of this state. In addition, expenditures from the revolving
14 fund may be made pursuant to The Oklahoma Central Purchasing Act for
15 the purpose of immediately responding to emergency situations,
16 within the Commission's jurisdiction, having potentially critical
17 environmental or public safety impact. Warrants for expenditures
18 from the fund shall be drawn by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 E. There is hereby created in the State Treasury a revolving
22 fund for the Department of Transportation to be designated the
23 "Weigh Station Improvement Revolving Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies deposited thereto. All monies accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Department for the purpose of constructing,
4 equipping and maintaining facilities to determine the weight of
5 vehicles traveling on the roads and highways of this state, and for
6 enforcing size, weight and load laws of this state. Expenditures
7 from the fund shall be made upon warrants issued by the State
8 Treasurer against claims filed as prescribed by law with the
9 Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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